

AMENDED IN ASSEMBLY AUGUST 17, 2004

AMENDED IN ASSEMBLY JULY 27, 2004

AMENDED IN ASSEMBLY JUNE 22, 2004

AMENDED IN SENATE APRIL 13, 2004

SENATE BILL

No. 1399

Introduced by Senators Vasconcellos and Romero

February 18, 2004

An act to add Chapter 9 (commencing with Section 3090) to Title 1 of Part 3 of the Penal Code, and to add Section 1768.5 to the Welfare and Institutions Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1399, as amended, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This bill would make various findings and declarations with respect to the corrections system.

This bill would require the director to cause each person who becomes subject to the Department of Corrections on or after January 1, 2006, with the exception of inmates serving a sentence of imprisonment for life without the possibility of parole or who are sentenced to death, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. This bill would require that a program be

prescribed and implemented for the inmate, based upon these evaluations, that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison. The bill would provide for evaluations and programs for persons *who became subject to the department's jurisdiction prior to January 1, 2006, and persons* sentenced to life without possibility of parole or sentenced to death contingent upon available funds, as specified.

This bill would also require the Director of Corrections to make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. This bill would require the parenting course to be susceptible of completion within the sentence of the inmate, as specified, and would prohibit a reduction in the sentence for an inmate who failed to complete an available parenting course. This bill would further provide, commencing in the ~~2006-07~~ 2005-06 fiscal year, for the application of these provisions, subject to the availability of funding and other specified conditions, to other inmates incarcerated in the state corrections system.

This bill would also require the Department of the Youth Authority to make a parenting course available to wards confined by that department under similar conditions and criteria.

This bill would provide that the sole remedy available to an inmate or ward who is eligible for, but does not receive, the assessment, rehabilitation program, or education course described in these provisions shall be to file a petition for a writ of mandate to compel the department or the director to provide that assessment, rehabilitation program, or education course.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) California law states that “the Legislature finds and
- 4 declares that the purpose of imprisonment for crime is
- 5 punishment.”



1 (b) The purpose of our entire system of law enforcement and
2 corrections ought to also be to promote the public safety of all
3 Californians with appropriate offender accountability.

4 (c) The manner in which our current system of corrections has
5 been operating is tragically counterproductive to the goal of
6 promoting the public safety of all Californians. The Little Hoover
7 Commission, an objective nonpartisan government watchdog
8 agency on efficiency, after a comprehensive study, concluded in its
9 2003 report, “Back to the Community: Safe & Sound Parole
10 Policies” that “California’s parole system is a billion dollar
11 failure. Forty-eight other states do a better job of getting parolees
12 from the prison rolls to the tax rolls. In general, they rely more on
13 education, job training, and drug treatments to keep parolees from
14 coming back to prison...”.

15 (d) In fact, further research shows that virtually all police
16 officers killed in the line of duty by another person were killed by
17 an ex-felon.

18 (e) California’s rate of recidivism is extraordinarily high when
19 compared to those of other comparable industrial states and other
20 western nations. According to the Legislative Analyst’s Office, 79
21 percent of California’s parolees fail to complete their parole.

22 (f) We owe it to the people of the State of California and their
23 safety to far better attend systematically to the constructive
24 rehabilitation of each of our prison inmates prior to his or her
25 release from prison so as to better enable each of these inmates,
26 upon emerging from prison into our midst, to live constructively,
27 and to not further endanger public safety.

28 (g) The experience of other states (notably Maryland,
29 Minnesota, and Ohio) demonstrates that the type of program
30 proposed in this measure reduces recidivism by nearly 23 percent
31 and that investment in this type of program pays off and saves
32 taxpayer dollars at the rate of two dollars (\$2) in prison costs for
33 every one dollar (\$1) invested.

34 (h) Ninety-eight percent of all California prison inmates, that
35 is, all but those sentenced to death and to imprisonment for life
36 without the possibility of parole, are in fact destined to some day
37 be released from prison to come back into our midst.

38 SEC. 2. (a) By enacting this measure the Legislature intends
39 to profoundly transform our corrections system to enable it to live
40 up to its name, and to advance and ensure the public safety of all

1 Californians by attending to the rehabilitation and development of
2 inmates in ways that hold the most promise for enabling each of
3 them to cure, or at least curb, his or her dangerous ways before his
4 or her release from prison back into our midst so that each of them
5 thereafter poses no further threat to our public safety.

6 (b) Towards this goal, the Legislature intends for the
7 Department of Corrections to identify, adopt, and implement best
8 practices and programs that have been shown to be effective in
9 rehabilitating inmates in this state and other jurisdictions, and to
10 establish pilot programs throughout the state to assess how best our
11 inmates respond to these programs.

12 SEC. 3. Chapter 9 (commencing with Section 3090) is added
13 to Title 1 of Part 3 of the Penal Code, to read:

14
15 CHAPTER 9. REHABILITATION OF PRISONERS
16

17 3090. (a) For each inmate who becomes subject to the
18 jurisdiction of the Department of Corrections on or after January
19 1, 2006, with the exception of inmates who are serving a sentence
20 of imprisonment for life without the possibility of parole or who
21 are sentenced to death, all of the following shall apply:

22 (1) The Director of Corrections shall cause the following to
23 occur:

24 (A) ~~For Commencing on January 1, 2006, for~~ those inmates
25 whose terms are not more than three years, within 90 days of entry,
26 the inmate shall be evaluated in an open, public, and
27 comprehensive way with respect to his or her educational and
28 vocational level of development and capacity and evaluated
29 comprehensively with respect to his or her psychosocial level of
30 development and ability to lead a constructive life.

31 (B) ~~For Commencing on January 1, 2007, for~~ those inmates
32 whose terms are more than three years, but not more than six years,
33 the evaluations shall occur within six months of entry.

34 (C) ~~For Commencing on January 1, 2008, for~~ all other inmates,
35 except those who are serving a sentence of imprisonment for life
36 without the possibility of parole, or who are sentenced to death, the
37 evaluations shall occur within one year of entry.

38 (2) Based on the evaluations conducted pursuant to paragraph
39 (1), the Department of Corrections shall prescribe and implement
40 a smart, comprehensive rehabilitation program that addresses his



1 or her deficient levels of educational, vocational, and psychosocial
2 development, so as to better equip him or her to lead a constructive,
3 safe life upon his or her release from prison into our midst, as
4 follows:

5 (A) The educational program shall be provided, as needed
6 insofar as the length of sentence allows, to enable each inmate to
7 qualify to pass the California high school equivalency certificate
8 test and obtain a California high school equivalency certificate, or
9 high school equivalent, while the inmate is incarcerated, if the
10 inmate has not yet advanced to that educational level.

11 (B) The psychosocial program shall be provided, as needed to
12 enable each inmate to measure up to a standard of normalcy and
13 capacity to behave constructively and to lead a self-sufficient life,
14 according to a team of mental health experts appointed by the
15 Director of Corrections.

16 (C) The vocational capacity program shall be provided as
17 needed to equip each inmate to measure up to a set of vocational
18 standards, according to a standard skills level determined by an
19 advisory team appointed by the Director of Corrections, consisting
20 of persons knowledgeable in the arenas of employment and
21 vocational education.

22 (3) The director may provide for a waiver of the evaluation
23 requirements under paragraph (1) for those parolees who are
24 returned to prison and who have already been evaluated pursuant
25 to this section within the last three years.

26 (b) The program and assessments described in subdivision (a)
27 shall be monitored annually and assessed by the office of the
28 Inspector General, which shall annually report to the Legislature
29 and Governor with respect to the following:

30 (1) How well the program is being operated to live up to its
31 purpose, goals, and mandates.

32 (2) Whether the program is proving successful in reducing
33 recidivism and improving the public safety of Californians, and in
34 reducing the taxpayers' costs of operating the Department of
35 Corrections.

36 (c) Commencing in the ~~2006-07~~ 2008-09 fiscal year, to the
37 extent that funds are appropriated for this purpose, with priority
38 given to each inmate based upon the imminence of his or her
39 release, subdivision (a) also applies to all other inmates subject to
40 the jurisdiction of the Department of Corrections, with the

1 exception of inmates who are serving a sentence of imprisonment
2 for life without the possibility of parole or who are sentenced to
3 death. The department shall accord highest priority, in expending
4 funds made available for this purpose, to those inmates who are
5 nearest to their release from incarceration. The director shall cause
6 the following to occur:

7 (1) For those inmates whose terms are not more than three
8 years, the evaluations described in subdivision (a) shall occur
9 within 90 days of the date that funds become available.

10 (2) For those inmates whose terms are more than three years,
11 but not more than six years, the evaluations shall occur within six
12 months of the date that funds become available.

13 (3) For all other inmates, except those who are serving a
14 sentence of imprisonment for life without the possibility of parole,
15 or who are sentenced to death, the evaluations shall occur within
16 one year of the date that funds become available.

17 (d) Once sufficient funds have been made available to apply
18 subdivision (a) to all inmates described in subdivision (c), upon a
19 statutory finding and declaration by the Legislature that the
20 application of subdivision (a) to inmates who are serving a
21 sentence of imprisonment for life without the possibility of parole
22 or sentenced to death would contribute to the safety of individuals
23 who are operating and residing in the state prison, subdivision (a)
24 shall also apply to those inmates to the extent that funds are
25 appropriated for that purpose. Evaluations for these inmates shall
26 occur within one year of the date that funds become available.

27 (e) An inmate who is eligible for, but does not receive, the
28 assessment and rehabilitation program described in this section
29 may file a petition for a writ of mandate to compel the department
30 to provide that assessment and program. This remedy is the sole
31 remedy for a failure to provide the assessment and program.

32 3091. (a) The Director of the Department of Corrections
33 shall make a parenting education course available to every inmate
34 incarcerated in the state corrections system who is serving a
35 sentence for a crime involving his or her child or a child formerly
36 under his or her care. The parenting course shall be designed to be
37 susceptible of completion within the sentences of these inmates,
38 as adjusted for eligible work, behavior, or other reduction.
39 However, no otherwise applicable reduction may be applied to the
40 sentence of any of these inmates who fails to complete this

1 parenting education, if the education is provided as required by
2 this subdivision.

3 (b) Commencing in the 2005-2006 fiscal year, to the extent that
4 funds are appropriated for this purpose, with priority given to each
5 inmate based upon the imminence of his or her release, subdivision
6 (a) also applies to all other inmates subject to the jurisdiction of the
7 Department of Corrections, with the exception of inmates who are
8 serving a sentence of imprisonment for life without the possibility
9 of parole or who are sentenced to death. The department shall
10 accord highest priority, in expending funds made available for this
11 purpose, to those inmates who are nearest to release from
12 incarceration.

13 (c) Once sufficient funds have been made available to apply
14 subdivision (a) to all inmates described in subdivisions (a) and (b),
15 upon a statutory finding and declaration by the Legislature that the
16 application of subdivision (a) to inmates who are serving a
17 sentence of imprisonment for life without the possibility of parole
18 or who are sentenced to death would contribute to the safety of
19 individuals who are operating and residing in the state prison,
20 subdivision (a) shall also apply to these inmates to the extent that
21 funds are appropriated for this purpose.

22 (d) An inmate who is eligible for, but does not receive, the
23 education course described in this section may file a petition for
24 a writ of mandate to compel the department to provide that
25 education course. This remedy is the sole remedy for a failure to
26 provide the education course.

27 SEC. 4. Section 1768.5 is added to the Welfare and
28 Institutions Code, to read:

29 1768.5. (a) The Director of the Youth Authority shall make
30 a parenting education course available to every ward confined by
31 the department who is serving a sentence for a crime involving his
32 or her child or a child formerly under his or her care. The parenting
33 course shall be designed to be susceptible of completion within the
34 terms of confinement of these wards, as adjusted for eligible work,
35 behavior, or other reduction. However, no otherwise applicable
36 reduction may be applied to the term of confinement of any of
37 these inmates who fails to complete this parenting education, if the
38 education is provided as required by this section.

39 (b) A ward who is eligible for, but does not receive, the
40 education course described in this section may file a petition for

1 a writ of mandate to compel the director to provide that education
2 course. This remedy is the sole remedy for a failure to provide the
3 education course.

4 SEC. 5. It is the intent of the Legislature that the entirety of
5 the program described in Section 3 of this bill be sufficiently
6 funded and fully implemented so that each and every inmate in the
7 California corrections system is enabled to prepare himself or
8 herself to reenter our community and live constructively and
9 safely.

